

# **EXHIBIT 1**

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 SAN FRANCISCO DIVISION

5 -----x  
6 IN RE GOOGLE PLAY STORE ANTITRUST  
7 LITIGATION

8  
9 Case No. 3:21-md-02981-JD

10 THIS DOCUMENT RELATES TO:  
11 Epic Games Inc. v. Google LLC, et al.  
12 Case No.: 3:20-cv-05671-JD

13 In re Google Play Consumer Antitrust  
14 Litigation  
15 Case No.: 3:20-cv-05761-JD

16 In re Google Play Developer Antitrust  
17 Litigation  
18 Case No.: 3:20-cv-05792-JD

19 State of Utah, et al. v. Google LLC, et  
20 al.  
21 Case No.: 3:21-cv-05227-JD

22 -----x

23  
24 \*\* HIGHLY CONFIDENTIAL \*\*  
25 REMOTE VIDEOTAPED DEPOSITION OF  
PATRICK BRADY  
April 21, 2022

Reported By:  
ERIC J. FINZ

1           BRADY - Highly Confidential  
2           financially interested in the  
3           outcome.

4           Counsel attending remotely  
5           will be noted on the stenographic  
6           record. Will the court reporter  
7           please swear in the witness.

8   PATRICK BRADY,  
9   having been first duly sworn by the  
10   Notary Public (Eric J. Finz), was  
11   examined and testified as follows:

12           THE VIDEOGRAPHER: Thank you.  
13           We may proceed.

14           EXAMINATION BY  
15           MR. BENEDICT:

16           Q.     Good morning, Mr. Brady. We  
17           met off the record a moment ago. I'm  
18           Brendan Benedict for the Utah Office of  
19           the Attorney General. With me today is  
20           Maria Martin of the Nevada Office of the  
21           Attorney General.

22                   Can you please state your full  
23           name for the record?

24           A.     Yes. Patrick Brady.

25           Q.     And where are you sitting

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2 your email here, you see at the top,  
3 "Some follow-up explanations below as  
4 some have asked. Patrick," and then  
5 there is an explanation that follows.

6 Do you see that?

7 A. I do.

8 Q. And there is a bolded heading  
9 here that says, "Android is not a Google  
10 product."

11 Do you see that?

12 A. I do.

13 Q. And it says below that,  
14 "Android is not a Google product, it's an  
15 open source mobile platform that happens  
16 to have a large number of contributors  
17 who happen to work for Google," and then  
18 it continues.

19 Do you see that you wrote  
20 that?

21 A. I do.

22 Q. And what did you mean when you  
23 said Android is an open source mobile  
24 platform?

25 A. I meant that Android was a

1                   BRADY - Highly Confidential  
2       mobile operating system that was provided  
3       as open source software to run on mobile  
4       phones.

5               Q.       And it was provided open  
6       source under the Apache license. Do you  
7       recall that?

8               A.       Primarily under the Apache  
9       license. There is a number of licenses  
10      for different components in the open  
11      source distribution.

12              Q.       Understanding that parts of  
13      the Linux curl are licensed under  
14      something separate. Right?

15              A.       Correct. And there are other  
16      components that are licensed under a  
17      different license. But the primary  
18      license for Android would have been  
19      Apache, yes.

20              Q.       Okay. And then there is a  
21      heading below that that says, where you  
22      wrote, quote, "Android does not include  
23      Google's special sauce."

24                      Do you see that?

25              A.       I do.

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2 Q. And then it sets out Google  
3 Mobile Services with some of the apps  
4 that are listed there. Right?

5 A. It does.

6 Q. And Google Mobile Services and  
7 these apps were what Google was licensing  
8 to OEMs under the MADA. Correct?

9 A. That is correct.

10 Q. Now, in the paragraph below  
11 that you write, "Most partners don't just  
12 want Android for Android, they want  
13 Android with GMS because this is a much  
14 more compelling product."

15 Do you see that?

16 A. I do.

17 Q. Why did you believe that GMS  
18 was a much more compelling product than  
19 Android?

20 MS. CURRAN-HUBERTY: Object to  
21 form.

22 A. I don't think that's an  
23 accurate representation of what I said.  
24 I didn't say GMS is more compelling than  
25 Android. I said Android with GMS is more

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2 became of it after.

3 Q. Are there any lawyers on this  
4 email chain?

5 A. Yes.

6 Q. Is that Mr. Moss?

7 A. Yes.

8 (Simultaneous crosstalk.)

9 A. -- he was a lawyer, anyway.

10 Q. Did you seek Mr. Moss's  
11 counsel when you sent your email?

12 A. I don't think -- I mean, yes.  
13 I think I was generally sharing this and  
14 providing a recommendation. Looking for  
15 feedback. I think after -- and copying  
16 Tom, who is acting as the attorney in  
17 this case. And, you know, I think after  
18 Andy responded, it was -- well, actually,  
19 no. I think -- sorry, I take that back.  
20 It looks like Jennie added Tom later to  
21 the thread. So probably I did not send  
22 it to Tom initially.

23 Q. Okay. Right.

24 Now, it was true that at some  
25 point in time Google required, as a

1                   BRADY - Highly Confidential  
2           condition of making Google Mobile  
3           Services apps available under the MADA,  
4           that OEMs take Android Market if they  
5           wanted access to any other GMS apps.  
6           Right?

7                   MS. CURRAN-HUBERTY: Object to  
8           form.

9           A.       Android Market was part of the  
10          Google Mobile Services core application  
11          suite that was -- if it -- there were  
12          certain apps that were optional in the  
13          suite, potentially, but over time. But  
14          there was a core set of apps that if the  
15          partner wanted to distribute any one of  
16          those, they would have to take the rest.

17                   And they were integrated. You  
18          know, the way, if you shipped Google  
19          Maps, the way that we would update Google  
20          Maps and provide security updates or  
21          feature updates was through Android  
22          Market, were they placed, or. So if that  
23          wasn't included, there was no way to  
24          update that app.

25                   So it was, the short version



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2           is yes, that was part of the GMS core app  
3           suite.

4           Q.       In other words, Android Market  
5           was one of the mandatory apps under the  
6           MADA?

7           A.       Yes.

8           Q.       You can set that aside.

9                   MR. BENEDICT: I'm going to  
10           mark our next exhibit. This will  
11           be Plaintiffs' Exhibit 875. It's  
12           an email chain beginning with an  
13           email from Chris Barton to you,  
14           copying others, dated June 23,  
15           2010. With the Bates 280595.

16                   (Exhibit PX 875 for  
17           identification, email dated June  
18           23, 2010.)

19   BY MR. BENEDICT:

20           Q.       Do you see that?

21           A.       I do.

22           Q.       And who is Mr. Barton?

23           A.       I believe we talked about  
24           Chris Barton earlier. He was a sales or  
25           business development person in the, I